

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:21-cv-00482

Bradley Ryan Roop,
Plaintiff,

v.
John Moore,
Defendant.

ORDER

Plaintiff Bradley Ryan Roop filed this action pursuant to 42 U.S.C. § 1983 alleging violations of his rights under the Fourth and Fourteenth Amendments to the U.S. Constitution and state law claims for malicious prosecution and abuse of process. Doc. 1. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b). Doc. 24.

On August 15, 2022, the magistrate judge issued a report recommending that defendant's motion to dismiss be granted and that plaintiff's Fourteenth Amendment § 1983 claim be dismissed with prejudice. The report further recommended that plaintiff be given leave to amend his Fourth Amendment § 1983 claim to expressly state how defendant was involved in the alleged facts giving rise to the claim and include factual allegations that defeat a qualified immunity defense. Doc. 26. Neither party filed written objections. When a party fails to object to a magistrate judge's report, the court reviews the record only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996).

Having reviewed the magistrate judge's report and being satisfied that it contains no clear error, the court accepts its findings and recommendation. The court dismisses plaintiff's Fourteenth Amendment § 1983 claim with prejudice. The court further allows plaintiff leave until September 15, 2022 to amend his Fourth Amendment § 1983 claim. All other pending motions are denied as moot.

So ordered by the court on September 6, 2022.



J. CAMPBELL BARKER
United States District Judge